

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 40-57 are pending in the application, with claim 40 being the independent claim. Claims 61-64 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 40, 45-55, and 57 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections Under 35 U.S.C. § 101***

Claims 40-57 and 61-64 were rejected under 35 U.S.C. § 101. (See Office Action at p. 2.)

Regarding claims 61-64, Applicant has canceled these claims without prejudice to or disclaimer of the subject matter therein, rendering these rejections moot.

Regarding claims 40-57, Applicant respectfully traverses these rejections.

The Office Action, at page two, states:

Merely identifying; determining; devising; evaluating; analyzing etc. is not sufficient to constitute a tangible result, since the outcome of the method steps has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical application is realized.

Amended independent claim 40 recites (emphasis added):

A method of using a holographic reticle to characterize an optical system, the method comprising the steps of:

(1) configuring the optical system such that a first plane containing the holographic reticle is positioned obliquely to a second plane where an image is recorded;

(2) placing the holographic reticle in a path of an optical beam within the optical system; and

(3) ***recording the image produced by the optical beam passing through the holographic reticle;***

wherein the image is configured to characterize the optical system for at least one of field curvature, astigmatism, coma, distortion, telecentricity, spherical aberrations, and variation of coherence.

The recorded image is a useful, tangible, and concrete result of the method of amended claim 40.

Claims 46-48, 54, 55, and 57 have been amended to recite additional features for which the image includes indicative information. Claim 49 has been amended to depend upon claim 40 and to add the step of producing an interferogram. Claims 50 and 51 have been amended to recite additional features for which the interferogram includes indicative information. Claims 45, 52, and 53 have been cosmetically amended.

Because claims 40-57 recite various embodiments of a method that produces a useful, tangible, and concrete result, Applicant respectfully requests that the Examiner reconsider claims 40-57 and remove his rejections under 35 U.S.C. § 101.

### ***Conclusion***

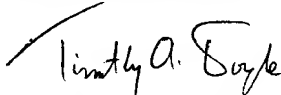
All of the stated grounds of rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently

outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy A. Doyle  
Attorney for Applicant  
Registration No. 51,262

Date: 4 OCT 06

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600